

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Eastern DIVISION

FILED
RICHARD W. NASEL
CLERK OF COURT

JAN 14 PM 1:53

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

David B LAWSON

(Enter Above the Name of the Plaintiff in this Action)

vs.

UNITED STATES

(Enter above the name of the Defendant in this Action)

2:22 CV 0134

If there are additional Defendants, please list them:

Judge Watson

MAGISTRATE JUDGE VASOURA

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

David B LAWSON

Name - Full Name Please - PRINT

2073 Reynolds Ave

Street Address

ALbany OH. O 45710

City, State and Zip Code

740-707 5491

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. United States of America
Name - Full Name Please

Address: Street, City, State and Zip Code
2. _____

3. _____

4. _____

5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☐ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☐ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☒ Title 28 United States Code, Section 1346 (b) 2671-2680
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

1. On July 20, 2021 I received a denial of reconsideration of an administrative tort claim from the Department of Veterans Affairs. I was informed that if I disagreed with their decision that my claim could be presented to a Federal district court for judicial consideration and that the proper party defendant would be the United States. This brings me to present my facts to this court.

2. On Feb 12 I saw Jennifer McCorkle at Chillicothe VA Medical Center for an injured left foot and lower leg. She ordered Xrays and the results showed suspected fractures and orthopedic consultation was recommended. She made me a podiatry appointment for the next day 2/13/2020.

3. On Feb 13, 2020 I saw Dr. Michael Grant at Chillicothe VA Medical Center. He reviewed my xrays. He said the xrays were inconclusive but he didn't think there were any broken bones. He gave me a tall walking boot and a return appointment for March 4, 2020. At this appointment I was given an ankle brace and told to continue alternating ice and heat for the continued swelling and pain. I was told I could return to work when I could tolerate it. I was not given a return appointment at this time.

4. Having continued pain, swelling and decreased flexion to the point I was having difficulty maintaining my balance and after several calls to the VA in April and May to try and get a return appointment, and being told since it wasn't life threatening I couldn't get in, and also being told I couldn't be scheduled for a MRI until July, I sought care with Patricia Debruin at Holzer Clinic urgent care in Athens, Ohio. This appointment in May resulted in another xray and a mri. The mri showed vertical fracture talus, probable tear distal soleus muscle, large joint effusion. I was referred to Dr Kearney. At my appointment with Dr Kearney we discussed my treatment options of having rods, screws, plates and my foot being in a permanent flexed position and being non weight bearing for months, brace and bone stimulator. The torn ligament could not be reattached as too much time had passed and it was no longer viable. No matter which treatment I choose my foot would always be painful, swelling and decreased function.

5. Because Dr. Grant, after viewing a xray that he said was inconclusive but reportedly showed suspected fractures, didn't order any additional imaging to confirm or rule out injury a proper diagnosis wasn't made and therefore proper treatment wasn't started. By not diagnosing the fracture and especially the torn ligament and starting immediate proper treatment more damage was done leaving me with permanent damage. I have continuous pain and swelling requiring use of medication daily. I have to wear a support on my foot whenever I'm walking. My balance is affected to the point I have difficulty walking up stairs or on any unlevel surface. My ability to perform job duties as a union carpenter are very limited. My life as I knew it has been greatly changed.

6. Michael J Grant D.P.M was negligent in providing me care when he failed to order another imaging that would have shown broken bones and torn ligament and would have provided him with information to provide proper treatment

David B Lawson
2073 Reynolds Ave
Albany, Ohio 45710

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

_____	_____ vs. _____
_____	_____ vs. _____
_____	_____ vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

See ATTACHED

I state under penalty of perjury that the foregoing is true and correct. Executed on

this JAN day of 14th, 2022

Diana B. Carson

Signature of Plaintiff

V. Relief

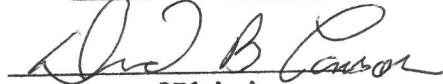
I am asking the court to grant me the compensation that I ask from the department of Veteran Affairs which is \$1,500,000.

My quality of life will never be the same. I deal daily with pain and decreased function in my left foot. I am now beginning to have issues with my back because of my altered gait. I anticipate future medical attention to deal with the pain and other issues caused by not having proper balance. I am facing the rest of my life with loss of income as I can't perform many of the tasks called for me to do as a union carpenter and altered social activities as my balance has been greatly affected and I can't do many of the activities I used to like to do. I suffer great embarrassment and mental stress because of the way my foot looks and the fact that I will forever walk with a limp.

I would not have had this outcome if Dr Michael Grant would have ordered another form of imaging when he said the xray was inconclusive. He could have properly diagnosed and treated me.

I state under penalty of perjury that the forgoing is true and correct. Executed on

This JAN day of 14 2022

A handwritten signature in black ink, appearing to read "D. B. Carson", written over a horizontal line.

Signature of Plaintiff